

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

Attendance

Cr S M Meehan (Deputy Mayor - in the chair), S L Cadwallader, K H Johnson, P J Moore, R A Hordern, D E Wright and J L Johnson.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barrier (Strategic Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 35 people in the gallery at this time.

2. Acknowledgement of Country

In opening the meeting the Deputy Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Cr Phillip Silver, Mayor and Cr Alan Brown had been granted leave of absence.

An apology was received from Cr Ben Smith.

240311/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Brown, Cr Smith

4. Confirmation of Minutes

240311/ 2 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 February 2011.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Brown, Cr Smith

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

240311/ 3 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Thursday 17 March 2011.

ABSENT. DID NOT VOTE - Cr Silver, Cr Brown, Cr Smith

PRESENT. DID NOT VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan

5. Declarations of Interest and Reportable Political Donations

- **Cr Wright** – declared an interest in Item 8.3 – DA 2010/1057 – Subdivision – Frank Street/Rifle Range Road, Alstonville. (Nature of Interest: non pecuniary - he lives in close proximity to the site and other legal matters). He will be departing the meeting while the matter is discussed.

There were no reportable political donations.

Council held one minutes silence for the victims of the Japanese earthquake and tsunami.

1. Australian National Anthem

The National Anthem was performed by St Joseph's School, Alstonville.

6. Deputations

- **Mike Svikis, GHD** – spoke in against the recommendation in Item 8.2 – DA 2010/723 – Goat Island.
- **Sue Hetherington** – spoke in favour of Item 13.1 – Notice of Motion – Telecommunications Tower at Lennox Head.
- **Fred Goodman** – spoke in opposition to Item 11.1 – Lennox Foreshore Park – Draft Master Plan.
- **Fred Goodman** – spoke in opposition to Item 14.1 – Finance Committee Minutes – 17 March 2011 and in particular to Item 4.4 of those minutes – Fees and Charges – 2011/12.
- **Douglas Troope, Optus** – spoke in opposition to Item 13.1 – Notice of Motion – Telecommunications Tower at Lennox Head.
- **Fiona Folan, Ballina Environment Society** – spoke in opposition to item 8.1 – DA 1995/292 – S96AA – Boral Quarry, North Teven Road.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

- **Mia Spain** – spoke in opposition to Item 9.2 – Community Land – Reclassification.
- **Brett McLennan** – spoke in favour of Item 8.1 - DA 1995/292 – S96AA – Boral Quarry, North Teven Road.

7. Mayoral Minutes

Nil items

240311/ 4 RESOLVED

(Cr Peter Moore/Cr Jeff Johnson)

That Item 13.1 be brought forward and dealt with at this point in time.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

13.1 Notice of Motion - Telecommunications Tower at Lennox Head

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Peter Moore.

1. Council advise Optus of its opposition to the proposed telecommunications facility at Basalt Court Lennox Head on the basis of the concerns about potential health risks and loss of amenity to the residents who live within the vicinity of the proposed installation.
2. Council advise Optus that co-location on an existing telecommunications tower is preferred.

An **Amendment** was moved by Cr Keith Johnson and seconded by Cr David Wright

1. Council advise Optus of its opposition to the proposed telecommunications facility at Basalt Court Lennox Head
2. Council advise Optus that co-location on an existing telecommunications tower is preferred.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr K Johnson, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

The **Amendment** became the **Motion** and was **CARRIED**, therefore it was

240311/ 5 RESOLVED

(Cr Keith Johnson/Cr David Wright)

1. Council advise Optus of its opposition to the proposed telecommunications facility at Basalt Court Lennox Head
2. Council advise Optus that co-location on an existing telecommunications tower is preferred.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

8. Regulatory Services Group Reports

8.1 DA 1995/292 - S96AA - Boral Quarry, North Teven Road

File Reference	DA 1995/292
Applicant	Boral Resources (Country) Pty Limited C/- Mr John Worden Operations Manager
Property	Lot 105 DP 1038360, No. 348 North Teven Road, Teven
Proposal	Section 96AA application to amend consent No. 1995/292 issued by the Court
Effect of Planning Instrument	The land is zoned part 1(e) Rural (Extractive and Mineral Resources) and 1(b) Rural (Secondary Agricultural Land) under the provisions of the Ballina LEP 1987.

240311/ 6 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That this item be deferred until full assessment of compliance with the conditions of the existing consent has been determined.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

8.2 DA 2010/723 - Goat Island

File Reference	DA 2010/723
Applicant	Gary & Mary Couch
Property	Lot 245 in DP 755691 comprising Goat Island
Proposal	Erection of a dwelling house
Effect of Planning Instrument	The land is zoned part 1(b) – Rural (Secondary Agricultural Land) and part 7(a) – Environmental Protection (Wetlands) under the provisions of the Ballina LEP

240311/ 7 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That development application 2010/723 to undertake the erection of a dwelling house on Lot 245 DP 755691, Goat Island, be **APPROVED**, notwithstanding the risk in allowing the development of a dwelling house on land identified as having high flood hazard risk in relation to the Cabbage Tree Island Floor Study and the Draft Cabbage Tree Island Floodplain Risk Management Plan, subject to the draft conditions of development consent attached to the report and with an additional condition as follows:

At the applicant's expense, a Flood Hazard Risk Assessment shall be undertaken for the site and the proposed development. A Flood Hazard Risk Report shall be submitted to Council detailing the findings of the assessment and shall contain recommended emergency and evacuation procedures for the island in a flood event. The recommendations shall detail procedures for floods of various levels including a 1 in 20 year, 1 in 50 year and 1 in 100 year flood event. The recommendations and procedures contained in the Flood Hazard Risk Report shall become conditions of consent applicable to the land its use for residential purposes.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Moore, Cr Hordern, Cr Meehan

AGAINST VOTE - Cr Wright, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

Cr Wright declared a non pecuniary interest in this item and left the meeting at 10.30 am.

8.3 DA 2010/1057 - Subdivision - Frank Street / Rifle Range Road, Alstonville

File Reference	DA 2010/1057
Applicant	Newton Denny Chapelle (on behalf of Your Office Pty Ltd and Tabalon Pty Ltd)
Property	Lot 2 DP 875030 and Lot 4 DP 600108, Frank Street, Alstonville Lot 4 DP 578242, No. 184 Rifle Range Road, Alstonville
Proposal	To Undertake a Four (4) Lot Subdivision to Create 1 x 27.41ha allotment (Proposed Lot 1), 1 x 13.83ha allotment (Proposed Lot 2), 1 x 20.41ha allotment (Proposed Lot 3) and 1 x 17.17ha allotment (Proposed Lot 4)
Effect of Planning Instrument	The land is zoned 7(i) – Environmental Protection (Urban Buffer) under the provisions of the Ballina LEP

240311/ 8 RESOLVED

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council **APPROVE** DA 2010/1057 [for a Four (4) Lot Subdivision by way of a Boundary Adjustment to Create 1 x 27.41ha allotment (Proposed Lot 1), 1 x 13.83ha allotment (Proposed Lot 2), 1 x 20.41ha allotment (Proposed Lot 3) and 1 x 17.17ha allotment (Proposed Lot 4)] at Lot 2 DP 875030 and Lot 4 DP 600108, Frank Street, Alstonville and Lot 4 DP 578242, No. 184 Rifle Range Road, Alstonville subject to the normal conditions for such a development in this locality.
2. That Council continue to evaluate the cost effectiveness of a connection from Pearces Creek Road.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Wright, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

Adjournment

The Deputy Mayor declared the meeting adjourned at 10.35 am.

The meeting resumed at 10.56 am
Cr Wright returned at this stage.

8.4 Development Applications - Work in Progress - March 2011

240311/ 9 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

That Council notes the contents of the report on the status of outstanding development applications for March 2011 and that Council receive a report on DA 2011/72 to assist them to make a submission to the JRPP.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

8.5 Development Consent Statistics - February 2011

240311/ 10 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council notes the contents of the report on development consent statistics for 1 February 2011 to 28 February 2011.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request - Newton Land - Lennox Head

240311/ 11 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

1. That Council cease processing of the current LEP amendment request relating to Lot 2 DP 587685 Blue Seas Parade Lennox Head.
2. That Council establish a land use zoning arrangement for Lot 2 DP 587685 under its new local environmental plan that reflects the recommendations of Darryl Anderson Consulting generally as contained in Attachment 4.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

3. That Council incorporate a reduced footprint for potential urban development generally in accordance with the plan shown in Attachment 4 in its Local Growth Management Strategy.
4. That Council advise the Department of Planning of the change to the potential urban footprint for the land with respect to the Town and Village Growth Boundaries in the Far North Coast Regional Strategy.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

9.2 Community Land - Reclassification

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Robyn Hordern.

1. That Council prepare a planning proposal for the reclassification of Lot 5 DP 843369, Old Bagotville Road, Wardell from Community Land to Operational Land for the purpose of the Local Government Act 1993.
2. Further, that the matter be reported back to Council for determination at the conclusion of the community consultation phases.

The **Motion** was **LOST**.

FOR VOTE - Cr K Johnson, Cr Hordern, Cr Meehan
AGAINST VOTE - Cr Cadwallader, Cr Moore, Cr Wright, Cr J Johnson
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

240311/ 12 RESOLVED

(Cr Jeff Johnson/Cr David Wright)

That Council defer any decision on the reclassification of Lot 5 DP843369, Old Bagotville Road, Wardell.

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan
AGAINST VOTE - Cr K Johnson
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

10. General Manager's Group Reports

10.1 Use of Council Seal

240311/ 13 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council affix the Common Seal to the following documents.

US11/07	<p>Use of Seal: Deed of Consent & Assignment of Lease, B Browning to A G McPhie – Assignment of Retail Lease Agreement for Wigmore Arcade premises at 135 River Street, Ballina, currently trading as 'Frangipani Lifestyle'.</p> <p>Explanation: Council has received advice that Mrs Browning as lessee of Wigmore Arcade premises at 135 River Street is in the process of selling her business to Mrs A G McPhie. Mrs McPhie is an existing Wigmore Arcade tenant and lessee of Shop 5 that trades as 'Cafe Serafino'. The 'Cafe Serafino' business is listed for sale. It is not known at this time if Mrs McPhie intends to operate one or both businesses concurrently until the cafe business is sold, however, if it is her intention is to close Shop 5 pending sale, Council is advised that the rent for that premises remains due and payable by Mrs McPhie until such time as the lease for that shop is assigned by her, or the term of lease expires (31/12/2012). Council as landlord cannot unreasonably refuse a request to assign the lease</p>
US11/08	<p>Use of Seal: Council to Norfolk Relocatable Homes Pty Ltd - 5 year lease from 1 January 2011 to 31 December 2015 for occupation of Lot 94 in a plan of subdivision of Lot 100 DP 1086895 for the purpose of the manufacture of relocatable homes and the associated administrative office.</p> <p>Explanation: Council granted a 5 + 5 year lease to Norfolk Relocatable Homes Pty Ltd that commenced on 1 October 2005, with the 5 year option period to commence on 1 October 2010. Resulting from an operational need to undertake civil engineering works that traversed a significant part of the leased property, staff successfully negotiated a re-alignment of the lease area that increased the total area of land under lease from a 1.48 ha Lease area together with a 221m² Licence area, up to 1.598 ha. An increase in rental has also been negotiated for the 5 year term. Resulting from the foregoing, a Deed of Surrender of Lease of the original 5 + 5 year term was executed on 19 January, 2010. The new lease, albeit on a redefined area of land, is essentially, and for all intents and purposes, the 5 year option period of the initial lease, and no further option period is included within the new lease.</p>
US11/09	<p>Transfer granting Easement to Country Energy for substation 4.2 m wide on Pt Lot 4 DP 6383, Elizabeth Anne Brown Park, Alstonville. Note: Substation is required as part of Alstonville CBD upgrade works.</p>

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

10.2 Investments Summary - February 2011

240311/ 14 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council notes the record of banking and investments for February 2011.
2. That Council approves the deletion of the words 'the Local Government Financial Services Pty Ltd' from Clause 8.1 of the Investment Policy.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

10.3 Community Donations

240311/ 15 RESOLVED

(Cr Robyn Hordern/Cr Jeff Johnson)

That Council approves a donation of 50% of the requested amount of \$215 for the Ballina Aero Club for development application amendment fees as per their request dated 8 February 2011. This donation is to be funded through a transfer from the Donations - General budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

240311/ 16 RESOLVED

(Cr Robyn Hordern/Cr Jeff Johnson)

That Council approve the \$5,000 request from Paradise FM for their 10th Anniversary Concert.

FOR VOTE - Cr Moore, Cr Hordern, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr K Johnson, Cr Wright

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

240311/ 17 RESOLVED

(Cr Peter Moore/Cr Keith Johnson)

That items 11.1, 13.2 and 13.3 be brought forward and dealt with at this stage.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

11.1 Lennox Foreshore Park - Draft Master Plan

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr David Wright.

1. That Council adopts the draft Lennox Foreshore Master Plan; as exhibited subject to the following amendments:
 - a) the removal of the modesty screens (to be replaced by a shower and changing rooms)
 - b) removal of the reference to Norfolk Pines and replacement with suitable species
 - c) Changing the vegetation from pandanus to tuckeroo
 - d) Removing the reference to the mural
 - e) Refurbish the existing shelter shed
2. That Council submit the name Lennox Park to the Geographical Names Board of NSW for adoption.

An **Amendment** was moved by Cr Peter Moore and seconded by Cr Robyn Hordern

1. That Council adopts the draft Lennox Foreshore Master Plan; as exhibited subject to the following amendments:
 - a) the removal of the modesty screens (to be replaced by a shower and changing rooms)
 - b) removal of the Norfolk Pines
 - c) Changing the vegetation from pandanus to tuckeroo
 - d) Adding a further three picnic tables to the bus shelter
2. That Council submit the name Lennox Park to the Geographical Names Board of NSW for adoption.
3. That Council proceed with an art project in the location.

The **Amendment** was **LOST**.

FOR VOTE - Cr Moore, Cr Hordern

AGAINST VOTE - Cr Cadwallader, Cr K Johnson, Cr Wright, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

An **Amendment** was moved by Cr Susan Meehan

1. That Council adopts the draft Lennox Foreshore Master Plan; as exhibited subject to the following amendments:
 - a) the removal of the modesty screens (to be replaced by a shower and changing rooms)
 - b) removal of the Norfolk Pines and replacement with suitable species
 - c) Changing the vegetation from pandanus to tuckeroo
 - d) Removing the reference to the mural
 - e) Refurbish the existing shelter shed and toilet block
2. That Council submit the name Lennox Park to the Geographical Names Board of NSW for adoption.
3. That Council proceed with art work in the vicinity.

The **Amendment LAPSED.**

The **Motion** was **CARRIED**, therefore it was

240311/ 18 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That Council adopts the draft Lennox Foreshore Master Plan; as exhibited subject to the following amendments:
 - a) the removal of the modesty screens (to be replaced by a shower and changing rooms)
 - b) removal of the reference to Norfolk Pines and replacement with suitable species
 - c) Changing the vegetation from pandanus to tuckeroo
 - d) Removing the reference to the mural
 - e) Refurbish the existing shelter shed
2. That Council submit the name Lennox Park to the Geographical Names Board of NSW for adoption.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Moore, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

240311/ 19 RESOLVED

(Cr Peter Moore/Cr Robyn Hordern)

That Council support an art project in this location.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

13. Motions on Notice

13.2 Notice of Motion - Aboriginal Consultative Committee

A **Motion** was moved by Cr Jeff Johnson

Ballina Council gives in principle support for the establishment of an Aboriginal Consultative Committee

The **Motion LAPSED.**

13.3 Notice of Motion - Exhibition of Draft Terms of Reference - Aboriginal Consultative Committee

A **Motion** was moved by Cr Jeff Johnson

Ballina Council exhibit the draft terms of reference for the establishment of an Aboriginal Consultative Committee for 28 days and then receives a report on the submissions received.

The **Motion LAPSED.**

10.4 Local Government - Constitutional Recognition

240311/ 20 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council declares its support for the financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr K Johnson

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

10.5 Policy (Final) - Donations - Rates and Charges

240311/ 21 RESOLVED

(Cr David Wright/Cr Robyn Hordern)

That Council adopt the draft Donations - Rates and Charges Policy, as exhibited and as attached to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

10.6 Policy (Final) - Tender and Quotation Evaluations

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson.

That this matter be deferred, to be discussed at a Council workshop.

The **Motion** was **LOST**.

FOR VOTE - Cr Cadwallader, Cr J Johnson

AGAINST VOTE - Cr K Johnson, Cr Moore, Cr Hordern, Cr Wright, Cr Meehan

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

240311/ 22 RESOLVED

(Cr Keith Johnson/Cr David Wright)

That Council adopt the draft Tender and Quotations Evaluation Policy, as exhibited and as attached to this report.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Moore, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

10.7 Policy (Review) - Financial Hardship - Rates and Charges

240311/ 23 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

1. That Council adopt the amended policy with the name to be amended to "Financial Assistance – Rates, Annual Charges and Fees Policy", as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

10.8 Policy (Review) - Busking Policy

240311/ 24 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That Council adopt the amended Busking Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

10.9 Policy (Review) - Councillor Expenses and Facilities

240311/ 25 RESOLVED

(Cr David Wright/Cr Jeff Johnson)

1. That Council approves the exhibition of the following amendments to the Councillors Expenses and facilities policy:
 - a) approval to allow for the provision of tablet computer technology to Councillors
 - b) inclusion of the following clauses in respect to attendance by Councillors at functions and events not organised by Council

Attendance at functions and events not organised by Council

To assist the Mayor in undertaking his / her responsibilities Council will provide reimbursement of travel and entrance fees where the Mayor is invited, in his / her official capacity as Mayor, to attend functions and events that are not organised by Council. Reimbursement for these functions / events will be approved by the General Manager and the Mayor must be invited to attend in his / her official capacity as Mayor.

A Councillor, invited by the Mayor to attend an event on behalf of the Mayor, will also be eligible for reimbursement of travel and entrance expenses.

Approval will only be provided for events within the region, as defined elsewhere in this policy.

Consideration will be also given to meeting the cost of Councillor's attendance, including travel and entrance fees, at other non-Council functions / events which provide briefings to Councillors from key members of the community, politicians and business. Approval to meet expenses will only be given when the function is relevant to Council's

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

interest and attendance at the function is open to all Councillors. This approval will be determined by the General Manager in consultation with the Mayor.

- c) inclusion of the following clauses in respect to the use of staff resources to assist Councillors perform their role.

Use of Staff Resources to Assist Councillors at their Private Residence

The General Manager is entitled to authorise Council staff to attend a Councillor's residence to assist in resolving a Council related matter. However this approval can only to be given in the following circumstances:

- The Councillor must declare that the matter is directly related to Council business; and*
- It has been assessed by the General Manager that the issue can be resolved relatively quickly; and*
- There will be no additional expense incurred by Council in providing that assistance; and*
- The work environment must be considered safe from an occupational health and safety perspective; and*
- The General Manager is of the opinion that the use of the Council staff resource is the quickest and most effective method to resolve the matter.*

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

11. Civil Services Group Reports

11.2 Waste Integrated Strategy (Review)

240311/ 26 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council adopt the Integrated Waste Management Strategy, as exhibited.
2. That Council notes the information in response to the resolutions made at the Finance Committee held 19 February 2009.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

11.3 Tender - Fripp Oval Sports Field Lighting

240311/ 27 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council accepts the tender for the Supply and Installation of Sports Field Lighting from Alan Neale Electrical Pty Ltd for the amount of \$155,730.00 + GST.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

11.4 Local Traffic Committee - March 2011

240311/ 28 RESOLVED

(Cr Sharon Cadwallader /Cr Keith Johnson)

1. That Council approves the application by the Northern Rivers Cycle Club to conduct criterium cycle races at the Southern Cross Industrial Estate, Ballina, from 1 November 2009 to 1 October 2010 subject to the event being operated in accordance with the submitted application and traffic control plan.
2. That for the purpose of the annual ANZAC Day parade, Council grants approval to close River Street (Martin to Grant Streets) in accordance with the submitted Traffic Management Plan.
3. That for the purpose of the annual ANZAC Day parade, Council grants approval to close Main Street (Budgen Street to Elizabeth Brown Park) in accordance with the submitted Traffic Management Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

11.5 Policy (Final) - Cemetery Management

240311/ 29 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

1. That Council adopts the draft Cemetery Management Policy, as amended, and as attached to this report.
2. That Council adopt the following fees:
 - \$50 (inc GST) to be present when ashes and plaque are placed
 - \$50 (inc GST) for the transfer of a Right of Burial

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

- An additional fee to cover additional costs incurred for burials that are booked outside normal Council operating hours
- A penalty fee for costs incurred when burials take longer than their allocated time and incur additional costs to Council

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

11.6 Policy (Review) - Fire Asset Protection Zones

240311/ 30 RESOLVED

(Cr Sharon Cadwallader /Cr Robyn Hordern)

1. That Council adopt the revised Fire Asset Protection Zones - Private Use of Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 17 March 2011

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Robyn Hordern.

1. That Council confirms the minutes of the Finance Committee meeting held Thursday 17 March 2011 and that the recommendations contained within the minutes be adopted.
2. That Council receive a report as part of budget discussion on funding the Newrybar Public toilet.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan

1. That Council confirms the minutes of the Finance Committee meeting held Thursday 17 March 2011 and that the recommendations contained within the minutes be adopted, with recommendation No. 3 being deleted from Item 4.3 (Sewer Charges - Pricing Options - 2011/12).
2. That Council receive a report on funding the Newrybar Public toilet as part of the 2011/12 budget.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

3. That Council receive a report to the April Finance Committee on the methodology for determining the footpath dining fees, along with alternative options.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Hordern, Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr K Johnson, Cr Wright

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

The **Amendment** then became the **Motion** and was **CARRIED**, therefore it was

240311/ 31 RESOLVED

(Cr Jeff Johnson/Cr Susan Meehan)

1. That Council confirms the minutes of the Finance Committee meeting held Thursday 17 March 2011 and that the recommendations contained within the minutes be adopted, with recommendation No. 3 being deleted from Item 4.3 (Sewer Charges - Pricing Options - 2011/12).
2. That Council receive a report on funding the Newrybar Public toilet as part of the 2011/12 budget.
3. That Council receive a report to the April Finance Committee on the methodology for determining the footpath dining fees, along with alternative options.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

12. Public Question Time

Nil

15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

240311/ 32 RESOLVED

(Cr Keith Johnson/Cr Robyn Hordern)

That Council notes the contents of the report on Mayoral meetings.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

16. Questions Without Notice

16.1 Cr Hordern - Pool at Shelly Beach

Cr Hordern – thanked staff for cleaning the sand from the the pool at Shelly Beach.

16.2 Cr Moore - Landslip at Lennox Head

Cr Moore – asked for an update on the landslip at Lennox Head.

John Truman will provide a Cr bulletin item and media release on this matter when more information is to hand.

16.3 Cr K Johnson - Burnt House

Cr K Johnson – there is a burnt down house on Bruxner Highway at Alstonville. The roofing appears to be caving in and may well be a hazard. Could staff please investigate.

Rod Willis to follow this matter up.

16.4 Cr K Johnson - Crossing in Daley Street, Alstonville

Cr K Johnson – there are still concerns with respect to the pedestrian crossing in Daley Street, Alstonville. Can warning signs be erected?

John Truman advised that this was discussed at the C Ward Committee meeting and that this matter will be followed up.

16.5 Cr Cadwallader - Youth Council

Cr Cadwallder – notice a meeting being held next week regarding the Youth Council. She thanked staff for moving that matter forward.

16.6 Cr Meehan - Lights in Captain Cook Park

Cr Meehan – some lights in Captain Cook Park are not working.

John Truman will follow up.

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

17. Confidential Session

240311/ 33 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

17.1 Site Selection - Regional Sporting & Entertainment Centre

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as information is contained in the report relating to commercial negotiations.

17.2 Organisation Structure - Review

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report discusses private matters relating to Council staff.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

17.1 Site Selection - Regional Sporting & Entertainment Centre

CF240311/001 RECOMMENDED

(Cr David Wright/Cr Keith Johnson)

That Council approves the inclusion of the Ballina Heights Estate land as part of the evaluation process for the Regional Indoor Sports and Leisure Complex.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

17.2 Organisation Structure - Review

CF240311/002 RECOMMENDED

(Cr David Wright/Cr Jeff Johnson)

That Council endorses the changes to the organisation structure, as outlined within this report, along with the renaming of the Corporate Communications and Tourism section to Tourism.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

Open Council

240311/ 34 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That Council move into Open Council and out of Committee of the Whole.

(The Council moved into Open Council at 1.14 pm)

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
24/03/11 AT 9.00 AM**

Adoption of Recommendations from Confidential Session

240311/ 35 RESOLVED

(Cr Keith Johnson/Cr Peter Moore)

That the recommendations made whilst in Confidential Session, being Minute Numbers CF240311/001 and CF240311/002 be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Smith, Cr Brown

MEETING CLOSURE

1.15 pm

The Minutes of the Ordinary Meeting held on 24/03/11 were submitted for confirmation by council on 28 April 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 April 2011.